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An Act To Compensate Employees Required To Be "On-call" by Their Employers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §604 is enacted to read:

§ 604. Limits and compensation for on-call time

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means any private or public employer, including the State or any political subdivision of the State.

B. "On-call" means a standby status during which an employee is required to be available to work.

2. Limits for on-call time. An employer may not require an employee to be on-call unless such status was a condition of employment agreed to by the employee at the time of hire.

3. Compensation for on-call time. An employer shall pay an employee for all on-call time unless the employer and employee concur in a written contractual agreement that compensation is neither needed nor expected.

SUMMARY

This bill prohibits an employer from requiring an employee to be on-call unless on-call status was a condition of employment agreed to by the employee. The bill also requires an employer to pay an employee for all on-call time unless the employer and employee concur in a written contractual agreement that compensation is neither needed nor expected.